



## **ATTACHMENT B**

### **REMARKS**

By this amendment, Applicants have amended the application in such a manner as to overcome all outstanding rejections and place this case in condition for allowance. In addition to wording changes to the claims in accordance with the suggestions of the Examiner, Applicants have amended Claim 1 so as to reflect that the pestivirus core protein is cleaved and thus not found in the pseudo-particles according to the invention, such as disclosed, e.g., at Page 6, lines 10-13 of the original application. The present amendments thus do not add any new matter to the application. In light of the amendments and the arguments set forth below, Applicants submit that the present application has been placed in condition for allowance.

In the Official Action, the Examiner objected to the Declaration and required a revised application data sheet containing the city and country of residence for each inventor, and a revised application data sheet containing this information is provided herewith.

In the Official Action, the Examiner objected to Claims 1-8 for failure to spell out acronyms at their first occurrence. This objection is not understood with regard to Claim 1 since that claim does not contain any acronyms. However, Applicants have amended Claim 2 to provide the full names of the viruses referred to previously by their more common abbreviations, and this objection is respectfully traversed.

In the Official Action, the Examiner objected to the claims under 35 U.S.C. §112, but this objection is traversed in that Applicants have amended the claims to correct the Markush language and have eliminated the word "derived" from the claims as per the

Examiner's suggestions. Applicants submit that the amended claims are completely proper under 35 U.S.C. §112.

Finally, in the Official Action, the Examiner rejected the claims under 35 U.S.C. §103 as being unpatentable over Marasco WO 00/55335 in view of Schlapp EP 1170367. The Examiner argued, *inter alia*, that the references taught and suggested the use of pestivirus core proteins (see Official Action, Page 5, lines 7-10. This rejection, insofar as applied to the claims as amended, is respectfully traversed in that the amended claims are directed to a method wherein the pestivirus core proteins are cleaved which results in the virus-like particles of the claimed invention being devoid of the pestivirus core proteins. This is completely unexpected in light of the teachings in the prior art, and indeed the Examiner has stated that the references would teach and suggest the packages which include such pestivirus core proteins. Accordingly, the present invention as reflected in the amended claims of the application **teaches away** from the prior art, and is clearly not disclosed or suggested therein. Applicants thus submit that the claims as presently amended are clearly not anticipated or made obvious by the cited references, either singly or in combination, and that the rejection on the basis of the cited references is respectfully traversed and should be withdrawn

In light of the above amendments and arguments, Applicants submit that the application now overcomes all prior objections and rejections, and has been placed in condition for immediate allowance. Such action is earnestly solicited.

**END OF REMARKS**